

REMARKS

Claims 1-18 are pending in this application. In an Office Action mailed January 10, 2006, Claims 1-10 and 13-18 were again rejected under 35 U.S.C. § 102(b) and Claims 11-12 were again rejected under 35 U.S.C. § 103(a). In response, Claims 1, 17, and 18 have been amended, and Claims 2 and 3 have been canceled. Accordingly, applicant respectfully submits that all claims are now in condition for allowance.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-10 and 13-18 have been rejected as being anticipated by U.S. Patent No. 3,224,448, issued to Diebold (hereinafter "Diebold"). Applicant respectfully disagrees. Applicant's analysis focuses primarily on independent Claims 1, 17, and 18 because dependent Claims 4-16 include all of the features of Claim 1.

As is well known, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention. As discussed in detail below, Diebold fails to teach each and every element of independent Claims 1, 17, and 18 as presently amended.

Claim 1 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap, each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps substantially entirely overlap one another to form a covering for an external vaginal area of a user, the free edge of the first flap and the free edge of the second flap are displaced from a centerline of the external vaginal area of the user, and at least one free edge is not substantially parallel to the centerline of the external vaginal area of the user.

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Claim 17 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps substantially completely overlap one another to form a covering for an external vaginal area of a user, wherein the covering is anatomically compatible.

Finally, Claim 18 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps substantially completely overlap one another to form a covering for an external vaginal area of a user, wherein the covering is a substantially flat and seamless area that covers the external vaginal area of the user.

Diebold fails to teach or suggest that the first and second flaps substantially entirely or completely overlap one another, as recited in Claims 1, 17, and 18. In that regard, Diebold teaches a crotch portion 20 comprising a pair of elongated, generally rectangular sections of material 22 and 23 arranged with the longitudinal dimensions extending in the fore and aft directions with respect to the body of the wearer. *See* Diebold, at Col. 2, lines 33-36. While Diebold teaches some overlap of sections 22 and 23, the overlap is only at the inner longitudinal edges 32 and 33 of the respective sections 22 and 23, and not a substantially entire or complete overlap of the first and second flaps as now recited in Claims 1, 17, and 18. In that regard, Diebold, at Col. 2, lines 47-50, states:

The sections 22 and 23 are sufficiently wide so that when the front and rear edges 26, 27 and 28, 29 are secured to the leg portions 12 and 13, the inner longitudinal edges, indicated at 32 and 33, of the respective sections 22 and 23 overlap each other (FIG. 4). The amount of overlap of the sections 22 and 23 is

such as will normally maintain the crotch closed throughout the normal range of bodily movements of the wearer.

As seen in FIGURES 4 and 5 of Diebold, the amount of overlap to normally maintain the crotch closed throughout the normal range of bodily movements of the wearer is only a small portion of the width of sections 22 and 23, as compared to a substantially entire or complete overlap of the first and second flaps as claimed in the present invention. As shown in FIGURES 4 and 5, substantial portions of sections 22 and 23 in Diebold do not overlap one another.

In view of the above remarks, applicant respectfully submits that the rejections of Claims 1, 4-10, and 13-18 under 35 U.S.C. § 102(b) are all improper because Diebold fails to teach, or even suggest, each and every element of the claimed embodiments. (As noted above, Claims 2 and 3 have been canceled.) Specifically, Diebold fails to teach or suggest that the first and second flaps substantially entirely or completely overlap one another, as recited in Claims 1, 17, and 18. Accordingly, applicant respectfully requests that the rejections under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 11 and 12 have been rejected as being obvious over Diebold, combined with U.S. Patent No. 2,812,516, issued to Hoffman (hereinafter "Hoffman"). The Office Action admits that Diebold fails to teach snap fasteners, stating that Hoffman discloses the missing fasteners. The Office Action states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the crotch opening of Diebold with the teaching of Hoffman to include the snap fasteners to secure the crotch flap closed as desired. Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. Because Claims 11 and 12 depend from Claim 1, these claims include all of the features of Claim 1. As discussed above, Diebold fails to teach each and every

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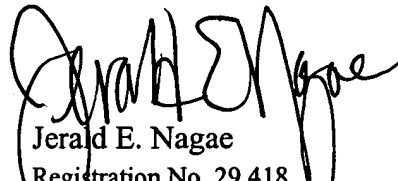
feature of Claim 1, specifically, "the first and second flaps substantially entirely overlap one another to form a covering for an external vaginal area of a user." The deficiencies of Diebold are not cured by the teachings of Hoffman. Accordingly, applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, applicant respectfully requests reconsideration and allowance of all claims. Applicant respectfully submits that independent Claims 1, 17, and 18, as well as dependent Claims 4-16 are allowable for the reasons discussed above. In addition, dependent Claims 4-16 have further limitations that distinguish over the cited references of record, whether taken individually or in hypothetical combination. Therefore, applicant respectfully submits that all claims in the present application should be found allowable. The Examiner is invited to telephone the undersigned attorney if any issues remain.

Respectfully submitted,

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